

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MARK ORTEGA Individually and on Behalf	§	
of All Others Similarly Situated,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	SA-24-CV-351-JKP (HJB)
	§	
PRIORITY CONTRACTING AND	§	
ROOFING LLC d/b/a Priority Roofing,	§	
	§	
Defendant.	§	

ORDER

Before the Court are Movant's Motion for Leave to Withdraw as Counsel filed by Attorney Paulina Almanza and Almanza Terrazas PLLC (Docket Entry 25) and Plaintiff's Motion to File Under Seal Exhibits (Docket Entry 27). Pretrial and scheduling matters in this case have been re-referred to the undersigned pursuant to 28 U.S.C. § 636(b). (*See* Docket Entry 11.)

It is hereby **ORDERED** that Movant's motion (Docket Entry 25) is **GRANTED** and Paulina Almanza and Almanza Terrazas PLLC are withdrawn as counsel of record for Plaintiff. It is **FURTHER ORDERED** that Plaintiff's Motion to Seal (Docket Entry 27) is **GRANTED**.

It is "well-settled that *pro se* litigants, such as [Plaintiff], cannot adequately represent the interests of a putative class or appear as class representatives." *Lindsey v. Aycox*, No. 1:14-CV-260-LG-JCG, 2015 WL 13650950, at *1 (S.D. Miss. Jan. 7, 2105); *see also Hennessy v. Blalack*, 35 F.3d 561, at *1 (5th Cir. 1994). Accordingly, it is **FURTHER ORDERED** that Plaintiff Mark Ortega must file an advisory with the Court **on or before December 13, 2024**, informing the Court of the identity of his new counsel. Failure to comply with this requirement may result in dismissal

of this case for failure to prosecute or comply with the orders of the Court. *See* FED. R. CIV. P. 41(b).

As Plaintiff no longer has legal representation, it is **FURTHER ORDERED** that the Video Hearing currently set on November 14, 2024, is **RESET** to **January 13, 2025**, at **2:30 P.M.**

It is **FURTHER ORDERED** that Plaintiffs' deadline to file any motion for class certification is **STAYED** pending further order from the Court. (*See* Docket Entry 14.)

SIGNED on November 13, 2024.


Henry J. Bemporad
United States Magistrate Judge